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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/216,489	12/18/1998	MANNAN A. MOHAMMED	INTL-0071-US	9624
7590 09/01/2004				
TIMOTHY N TROP		EXAMINER		
TROP PRUNER HU AND MILES		MISLEH, JUSTIN P		
8554 KATY FREEWAY SUITE 100		ART UNIT PAPER NUMBER		
HOUSTON, TX 77024		2612		

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/216,489	Applicant(s) MOHAMMED ET AL.	
	Examiner Justin P Misleh	Art Unit 2612	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 04 August 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

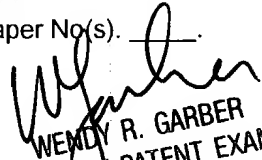
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 29 - 48

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


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Continuation of 5. does NOT place the application in condition for allowance because:

Due to examination error, the objections to Claims 31 and 41 are now withdrawn. More specifically, the Examiner noted in both the Non-Final Office Action (4 December 2003) and the Final Office Action (5 May 2004) that Claims 31 and 41 present an antecedent basis problem regarding "the digital camera". Both Claims 31 and 41 do in fact introduce "a digital camera" and thus no antecedent basis problem exists, respectively.

Note to the Applicant

The Applicant argues for "independent claim 38" under section heading "§§ 102 and 103 Rejections of Claims 29-38". Since no independent claim 38 exists, the Examiner believes this a typographical error. The Examiner believes the Applicant argues for independent claim 29, as evidenced on page 8 (line 2) of the Reply. Therefore, the Examiner will interpret every instance of the phrase "independent claim 38" and "independent claim 29".

Summary of Applicant's Reply regarding Noro

The Applicant takes that position that "Noro fails to disclose all limitations of independent claim 29". More specifically, the Applicant believes that Noro does not disclose any language "to support the position that the simple control command of Noro somehow contains an action command" or to teach or even suggest "the accumulation of commands ... generated by the execution of an application program".

Examiner's Response to the Applicant's Reply

In regards to the clarification request, the Examiner specifically stated in the Final Office Action, "The Applicant concedes that if the camera is in operation, Noro et al. teach accumulating commands." The Examiner's statement in the Final Office Action is a direct quote from the Applicant's "last Reply". As stated in the Applicant's "last Reply", on page 2 (last two lines), "However, Applicant recognizes that if the camera is in operation, Noro may arguably teach accumulating commands until the camera is again in operation." Furthermore, at no point in either Reply or Office Action, was there a mention of what happens when the "power is turned off to the camera" or even a mention as to the relationship between camera operation and the turning on or off the camera power. The Examiner has clarified the issue at the Applicant's request.

In regards to the remainder of the Applicant's arguments and requests, the Examiner would like to recall upon the Final Office Action. On page 6 (whole page), the Examiner summarized Noro et al. by stating:

"[I]n the Examiner's example ... the user depressed a button (e.g. camera preset position button 61) that is classified, by Noro et al., as part of simple control, flow from Step 16 moves on to Step 18 to generate and accumulate the simple control commands. Simple control, at least, requires identifying the current camera position, fetching the camera preset position data corresponding to the depressed preset position button from the storage unit (42), generating and accumulating a set of commands that command the camera to move from its current position to its preset position, and transmitting those commands to the camera. The generated and accumulated simple control commands are comprised of both camera setup and action commands (i.e. commands that position/setup the camera in a new position to capture a new field of view)."

Noro et al. support this summarization, as shown in figure 11 (S45 – S48) and as stated in columns 10 (lines 53 – 68) and 11 (lines 1 – 11). More specifically, Noro et al. states,

"[T]he flow advances to step S45 to temporarily interrupt transmission processing of image data input by the camera 16 to the camera operation device 20 ... In step S46, the corresponding pan and tilt angles and zoom value are read out from the storage unit 32 on the basis of the identification information of the simple control instructed by the received simple control command, and the camera 16 is controlled to have the camera angle defined by these parameters ... In the method of controlling the camera 16, the camera 16 is instructed via the camera I/F 36 to have the target pan and tilt angles and zoom ratio, and the current position information (the current pan and tilt angles and zoom ratio) of the camera 16 is read from the camera 16 via the I/F 36 and compared with the target values ... If it is determined in step S47 that the target angle has been reached, the flow advances to step S48 to restart transmission of video data (including audio data), thus ending this processing."

Now the Examiner would like to turn to independent Claim 29. Claim 29 states, therein,

"accumulating commands generated by an execution of an application program, the command including an action command to cause an imaging device to perform an action and at least one setup command to set up the imaging device to perform the action".

The Applicant does no more to define an "action command" than by stating "an action command to cause an imaging device to perform an action" and the Applicant does no more to define a "setup command" than by stating "at least one setup command to set up the imaging device to perform the action". As clearly stated above and in the Final Office Action, simple control requires identifying the current camera position, fetching the camera preset position data corresponding to the depressed preset position button from the storage unit, generating and accumulating a set of commands that command the camera to move from its current position to the predetermined target position, and transmitting those commands to the camera.

Identifying the camera current position (e.g. pan angle, tilt angle, and zoom ratio) and comparing it to the predetermined target position (e.g. target pan angle, tilt angle, and target zoom ratio) is considered to be at least one setup command. Moving the camera from its current position (e.g. pan angle, tilt angle, and zoom ratio) to the predetermined target position (e.g. target pan angle, tilt angle, and target zoom ratio) is considered to be an action command. Clearly, the setup command is required for the action command. In other words, determining the difference between the camera's target position and camera's current position sets up the camera to perform the action of moving the camera from its current position to its target position.

Moreover, the flowchart of figure 11 corresponds to the operation processing sequence in the camera management device (12), wherein Noro et al. state (column 10, lines 30 – 34), "that the program corresponding to this flow chart, of course, is stored in a predetermined storage medium of the camera management device 12, and is executed by the CPU (not shown)." Furthermore, the

flowchart of figure 9 corresponds to the processing at the camera operation device 20, wherein Noro et al. state (column 9, lines 28 – 36), "since the hardware portion of the camera operation device 20 comprises a normally used personal computer or workstation, the console 46, the camera selector 44, and the operation manager 48 are implemented by a CPU of the device, and their operation program is loaded from an external storage device (not shown) onto a main memory." As stated above, the accumulation and generation of at least one setup command and an action command takes place in the camera management device (12) and the camera management device (12) only operates once an application program has been executed in the camera operation device (20). Therefore, the execution of an application program in the camera operation device (20) is a requirement for accumulating and generating commands in the camera management device (12). "An application program" is an extremely broad phrase and does not specify details, e.g. details to where the application program is stored or details on how it relates to the accumulating commands other than the fact that after the execution of an application program does accumulating commands take place. The Applicant's position focuses on the whether or not the accumulating commands take place in the same application program. This point is irrelevant, for the reasons regarding the broadness of the limitation stated above.

The Examiner believes Noro et al. satisfies the Applicant's requirements as set forth in independent Claim 29. The Examiner has shown through various explanations and support how Noro et al. does in fact disclose that the simple control command contains an action command and that the accumulation of commands is generated by the execution of an application program. The Applicant argues for Claim 30 – 35; however, these arguments are now moot in view of the Examiner's Response to the Applicant's Reply regarding independent Claim 29. Claims 30 – 35 do not overcome the rejections for at least the reasons that these claims depend from an unpatentable claim. Furthermore, the Applicant argues for independent Claim 39 on the basis that Noro fails to disclose commands that include an action command. The Examiner has shown this feature; therefore, this argument is overcome. Lastly, Claims 40 – 48 are unpatentable for at least the reasons that these claims depend from an unpatentable claim. This response is considered to be fully responsive to the Applicant's Reply filed 06 July 2004.